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EXHIBIT 1

State Court Consolidation Orders

1 MICHAEL A. KELLY (State Bar #71460)  
mkelly@walkuplawoffice.com  
2 KHALDOUN A. BAGHDADI (State Bar #190111)  
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**FILED**  
San Francisco County Superior Court

MAY 18 2021

CLERK OF THE COURT  
BY: KJW  
Deputy Clerk

6 ANNE ANDREWS (Bar No. 103280)  
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13 (ADDITIONAL COUNSEL LISTED ON SIGNATURE PAGES)

14 **ATTORNEYS FOR PETITIONER JOHN K. TROTTER,**  
15 **JR., TRUSTEE OF THE PG&E FIRE VICTIM TRUST**

16  
17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **COUNTY OF SAN FRANCISCO**

19 Coordination Proceeding Special Title  
(Rule 3.550)

20  
21 **CALIFORNIA NORTH BAY FIRE**  
22 **CASES**

**JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4955**

**Hon. Andrew Cheng, Dept. 613**

Date: None Set  
Time: None Set  
Dept: 613

23 **AC**  
24 **STIPULATION AND [PROPOSED] ORDER**  
25 **GRANTING COORDINATION OF ADD-ON**  
26 **CASES TO JCCP 4955**

(California Code of Civil Procedure § 404.4)

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;

1 any and all discovery, physical evidence, deposition transcripts, and related repositories for  
2 discovery previously collected during the JCCP No. 4955 proceeding.

3 5. The parties stipulate that the pending petition to coordinate the Included Actions  
4 listed above should be granted subject to court approval without hearing, all parties to the actions  
5 having so stipulated.

6 IT IS SO STIPULATED:

7  
8 Dated: May 13, 2021

WALKUP, MELODIA, KELLY & SCHOENBERGER

9  
10 By: 

11 MICHAEL A. KELLY  
12 KHALDOUN A. BAGHDADI  
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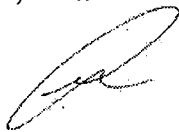
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700 El Camino Real  
PO Box 669  
Millbrae, CA 94030

**Attorneys for Petitioner John K. Trotter,  
Jr., Trustee of the PG&E Fire Victim  
Trust**

Dated: May 13, 2021

NIXON PEABODY, LLP

By:

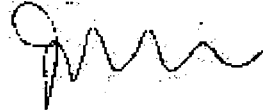


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ROBERT M. BLUM, ESQ.  
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San Francisco, CA 94111

**Attorneys for Defendants Davey  
Resource Group, Inc., Davey Tree  
Expert Company, and Davey Tree  
Surgery Company**

1 Dated: May 14, 2021

VAN DE POEL, LEVY THOMAS & ARNEAL,  
LLP

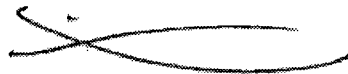


2  
3  
4 By:

DAVID M. LEVY  
JENNIFER M. LIM  
Attorneys for Defendant  
The Orginial Mowbrays Tree Service, Inc.

5  
6  
7  
8 Dated: May 14, 2021

CARLSON CALLADINE & PETERSON LLP



9  
10 By:

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A. DAVID BONA, ESQ.  
353 Sacramento Street, 16th Floor  
San Francisco, CA 94111  
  
**Attorneys for Defendant Western  
Environmental Consultants, Inc.**

11  
12  
13  
14  
15 Dated: May 14, 2021

BURNHAM BROWN



16  
17  
18 By:

DAVID S. WILGUS, ESQ.  
1901 Harrison Street, 13th Floor  
Oakland, CA 94612

**Attorneys for Defendant Osmose  
Utilities Services, Inc.**

*AC*  
**PROPOSED ORDER**

1  
2 1. The Court finds that the following actions are appropriate for coordination with  
3 JCCP 4955 under California Code of Civil Procedure § 404 *et seq.*, and California Rules of Court  
4 3.520 *et seq.*:

5 a. *John K. Trotter, Jr., Trustee of the PG&E Fire Victim Trust v. Davey*  
6 *Resource Group, Inc., et al.*, San Francisco County Superior Court Case No. CGC-21-  
7 589438 (complaint filed on January 28, 2021);

8 b. *John K. Trotter, Jr., Trustee of the PG&E Fire Victim Trust v. Davey*  
9 *Resource Group, Inc., et al.*, San Francisco County Superior Court Case No. CGC-21-  
10 589439 (complaint filed on January 28, 2021);

11 c. *John K. Trotter, Jr., Trustee of the PG&E Fire Victim Trust v. ACRT Pacific,*  
12 *LLC, et al.*, San Francisco County Superior Court Case No. CGC-21-589441 (complaint  
13 filed on January 28, 2021)

14 2. It is further ORDERED that, as part of this coordination, the defendants in the  
15 Included Actions shall not be bound by or subject to any orders, including any case management  
16 orders, that were previously issued in JCCP No. 4955, or any deadlines established by statute or  
17 court rule that applied based on the complaints against PG&E that were previously included in  
18 JCCP 4955.

19 3. It is hereby ORDERED that the request to coordinate the above-entitled actions as  
20 add-on actions to JCCP 4955 is GRANTED and that the above-entitled actions are hereby  
21 coordinated actions under JCCP 4955.

22  
23 IT IS SO ORDERED

24  
25 Dated: 5/18, 2021

  
\_\_\_\_\_  
Hon. Andrew Cheng  
JUDGE OF THE SUPERIOR COURT

**FILED**  
San Francisco County Superior Cou.

SEP 22 2021

CLERK OF THE COURT

BY: [Signature]  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 613

COORDINATION PROCEEDING  
SPECIAL TITLE [RULE 3.550]

Case No. CJC-17-004955

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4955

CALIFORNIA NORTH BAY FIRE CASES

ORDER GRANTING PETITION FOR  
COORDINATION OF ADD-ON CASES

**INTRODUCTION**

This case came on for hearing on September 20, 2021 in Department 613 of San Francisco Superior Court, the Honorable Andrew Y.S. Cheng presiding. Khaldoun Baghdadi appeared for coordinated plaintiff Trotter. Peter P. Meringolo appeared for plaintiff Walker. David Bona appeared for Western Environmental Consultants, LLC. Robert M. Blum, Aldo Ibarra, and Penney P. Azizi appeared for The Davey Tree Expert Company, Davey Tree Surgery Co, and Davey Resource Group, Inc. Brendan P. Bradley specially appeared for ACRT, Inc. George T. Stiefel, James P. Frantz, M. Regina Bagdasarian, and Kristina Herbert appeared for plaintiff Bowman. J. Domenic Martini appeared for plaintiffs. Robert W. Jackson appeared for plaintiffs Barbara Bennett, et al. Natasha N. Serino appeared for plaintiffs Taylor Waldon. John C. Thornton and Sean T. Higgins appeared for plaintiffs Agajanian, et al. Jennifer Lim appeared for The Original Mowbray's Tree Service Incorporated.



1 Having reviewed and considered the arguments, pleadings, and written submissions of all parties,  
2 the Court **GRANTS** Petitioners The Davey Tree Expert Company, Davey Tree Surgery Company, and  
3 Davey Resource Group, Inc.'s ("Davey") petition to coordinate add-on cases.

#### 4 **BACKGROUND**

5 Plaintiffs in these actions allege that PG&E's vegetation management contractors bear  
6 responsibility for their damages due to one or more of the North Bay Fires ignited on or about October 8,  
7 2017.

8 Davey filed a petition to add-on five cases<sup>1</sup>, including *Walker, et al. v. Davey Tree Surgery Co.*,  
9 Napa County Superior Court Case No. 19CV001194, (complaint filed on August 8, 2019), to this  
10 coordinated proceeding which included a request to stay the *Walker* matter pending the petition to  
11 coordinate *Walker* as an add-on case filed in this proceeding. Plaintiff Walker opposes. The Court  
12 permitted reply briefing, and Davey and Trotter plaintiffs replied.

#### 13 **REQUEST FOR JUDICIAL NOTICE**

14 The Court **GRANTS** Davey's unopposed requests for judicial notice. (Defendants The Davey  
15 Tree Expert Company Davey Resource Group Inc And Davey Tree Surgery Company's Request For  
16 Judicial Notice in support of Reply in support of Petition For Coordination, Exs. A-I.)

#### 17 **STANDARD FOR COORDINATION**

18 A petition for coordination of civil actions must be supported by facts showing that the actions are  
19 complex and that the actions meet the standards specified in section 404.1 of the Code of Civil  
20 Procedure. (Code Civ. Proc. § 404.) Coordination of civil actions sharing a common question of fact or  
21 law is appropriate if it "will promote the ends of justice taking into account whether the common  
22 question of fact or law is predominating and significant to the litigation; the convenience of parties,  
23 witnesses, and counsel; the relative development of the actions and the work product of counsel; the  
24 efficient utilization of judicial facilities and manpower; the calendar of the courts; the disadvantages of  
25 duplicative and inconsistent rulings, orders, or judgments; and, the likelihood of settlement of the  
26

27 <sup>1</sup> Plaintiffs in the *Abram, Adams, Antone, and Bennett* cases have stipulated to the petition. (Stipulation to  
28 Petition for Coordination of Add-On Cases.)

actions.” (Code Civ. Proc. § 404.1.)

## **I. Davey’s Add-On Petition**

The Court **GRANTS** Davey’s Petition to Coordinate Add-On Case.

First, *Walker*<sup>2</sup> and actions in this coordinated proceeding<sup>3</sup> have common questions of fact or law that predominate and/or are significant to the litigation. (Ibarra Decl., ¶¶ 7-8 & Ex. A ¶ 24, Ex. B ¶¶ 55-63, Ex. C ¶¶ 32-33, Ex. D ¶ 32; Trotter Case No. 589438, Complaint ¶¶ 37, 39.) *Walker* and all included actions involve negligence claims for one or more at-issue fires against PG&E’s vegetation management contractors. (Ibarra Decl., 6(a), 7-8 & Ex. A ¶ 24, Ex. B ¶¶ 55-63, Ex. C ¶¶ 32-33, Ex. D ¶ 32.) Both *Walker* and one of the already coordinated *Trotter* actions involve claims arising from the same fire, the Patrick Fire. (*Id.* ¶ 8.) At least three of the other actions Davey seeks to add-on here—*Adams*, *Antone*, and *Bennett*—also involve the Patrick Fire. (*Id.*; see also Oppo., at 8.) There are also allegations that the Patrick Fire merged with other California North Bay Fires at issue in this coordinated action, making the Patrick Fire potentially relevant to all other at-issue fires. (Ibarra Decl., ¶ 8.) Causation is a central question to the included actions and *Walker*, as is the question of indemnity for any damages sought by all Patrick Fire claimants. This factor weighs in favor of coordination. (*Ford Motor Warranty Cases* (2017) 11 Cal.App.5th 626, 641-646 [applying Code Civ. Proc. § 404.1 factors].)

Second, though *Walker* is a Napa County action, the convenience of the parties, witnesses, and counsel—including the streamlining of discovery,<sup>4</sup> depositions, motion practice, and trial—weighs in favor of coordination.

Third, coordination will promote judicial efficiency and obviate two separate courts deciding substantially similar and overlapping issues regarding causation and/or the Patrick Fire. (*Id.* ¶ 6(d)-(e).) This factor weighs in favor of coordination.

Fourth, coordination will likely promote settlement efforts, which are further complicated by

---

<sup>2</sup> Because only plaintiff *Walker* opposes, and all other plaintiffs have consented to coordination, the Court’s analysis addresses the *Walker* case and plaintiff *Walker*’s arguments in opposition only.

<sup>3</sup> Because they have stipulated to coordination, *Abram*, *Adams*, *Antone*, and *Bennett* are encompassed in the term “included actions” or “this coordinated proceeding.”

<sup>4</sup> While *Walker* argues informal discovery coordination is sufficient, formal coordination is preferred and more effective. (Davey Reply, 4:10-22.)

1 PG&E's Bankruptcy and the Fire Victim Trust Agreement's terms. This factor weighs in favor of  
2 coordination.

3 Fifth, this JCCP and *Walker* are in similarly early phases of litigation. (*Id.* ¶ 6(c).) This factor  
4 weighs in favor of coordination.

5 Lastly, the doctrine of judicial estoppel also supports coordination, and the elements of the  
6 doctrine are met here. (*Jackson v. County of Los Angeles* (1997) 60 Cal.App.4th 171, 183 ["In  
7 accordance with the purpose of judicial estoppel, we conclude that the doctrine should apply when: (1)  
8 the same party has taken two positions; (2) the positions were taken in judicial or quasi-judicial  
9 administrative proceedings; (3) the party was successful in asserting the first position (i.e., the tribunal  
10 adopted the position or accepted it as true); (4) the two positions are totally inconsistent; and (5) the first  
11 position was not taken as a result of ignorance, fraud, or mistake."]; RFJN, Exs. A-E; Baghdadi Decl.,  
12 Ex. D.)

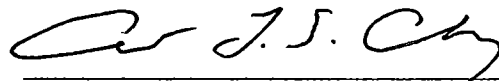
13 For these reasons, the Court **GRANTS** the petition to coordinate *Walker* with this action.

14 **CONCLUSION**

15 The Court **GRANTS** Davey's petition to coordinate add-on cases. All five add-on cases are  
16 stayed in their home jurisdictions pursuant to CRC 3.529(b) and 3.544(d).

17  
18 IT IS SO ORDERED.

19  
20 Dated: September 22, 2021



21 ANDREW Y.S. CHENG  
22 Judge of the Superior Court  
23  
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**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, KEITH TOM, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On September 22, 2021, I electronically served the ATTACHED DOCUMENT(S) via File&ServeXpress on the recipients designated on the Transaction Receipt located on the File&ServeXpress website.

Dated: September 22, 2021

T. Michael Yuen, Clerk

By:  \_\_\_\_\_  
KEITH TOM, Deputy Clerk

**FILED**

Superior Court of California  
County of San Francisco

DEC 16 2021

CLERK OF THE COURT

BY: [Signature]  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 613

COORDINATION PROCEEDING  
SPECIAL TITLE [RULE 3.550]

Case No. CJC-17-004955

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4955

CALIFORNIA NORTH BAY FIRE CASES

AMENDED ORDER GRANTING PETITION  
FOR COORDINATION OF ADD-ON CASES

**INTRODUCTION**

This case came on for hearing on September 20, 2021 in Department 613 of San Francisco Superior Court, the Honorable Andrew Y.S. Cheng presiding. Khaldoun Baghdadi appeared for coordinated plaintiff Trotter. Peter P. Meringolo appeared for plaintiff Walker. David Bona appeared for Western Environmental Consultants, LLC. Robert M. Blum, Aldo Ibarra, and Penney P. Azizi appeared for The Davey Tree Expert Company, Davey Tree Surgery Co, and Davey Resource Group, Inc. Brendan P. Bradley specially appeared for ACRT, Inc. George T. Stiefel, James P. Frantz, M. Regina Bagdasarian, and Kristina Herbert appeared for plaintiff Bowman. J. Domenic Martini appeared for plaintiffs. Robert W. Jackson appeared for plaintiffs Barbara Bennett, et al. Natasha N. Serino appeared for plaintiffs Taylor Waldon. John C. Thornton and Sean T. Higgins appeared for plaintiffs Agajanian, et al. Jennifer Lim appeared for The Original Mowbray's Tree Service Incorporated.

1 Having reviewed and considered the arguments, pleadings, and written submissions of all parties,  
2 the Court **GRANTS** Petitioners The Davey Tree Expert Company, Davey Tree Surgery Company, and  
3 Davey Resource Group, Inc.'s ("Davey") petition to coordinate add-on cases.

#### 4 **BACKGROUND**

5 Plaintiffs in these actions allege that PG&E's vegetation management contractors bear  
6 responsibility for their damages due to one or more of the North Bay Fires ignited on or about October 8,  
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8 Davey filed a petition to add-on five cases<sup>1</sup>, including *Walker, et al. v. Davey Tree Surgery Co.*,  
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10 coordinated proceeding which included a request to stay the *Walker* matter pending the petition to  
11 coordinate *Walker* as an add-on case filed in this proceeding. Plaintiff Walker opposes. The Court  
12 permitted reply briefing, and Davey and Trotter plaintiffs replied.

#### 13 **REQUEST FOR JUDICIAL NOTICE**

14 The Court **GRANTS** Davey's unopposed requests for judicial notice. (Defendants The Davey  
15 Tree Expert Company Davey Resource Group Inc And Davey Tree Surgery Company's Request For  
16 Judicial Notice in support of Reply in support of Petition For Coordination, Exs. A-I.)

#### 17 **STANDARD FOR COORDINATION**

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24 efficient utilization of judicial facilities and manpower; the calendar of the courts; the disadvantages of  
25 duplicative and inconsistent rulings, orders, or judgments; and, the likelihood of settlement of the

26  
27 <sup>1</sup> Plaintiffs in the *Abram, Adams, Antone, and Bennett* cases have stipulated to the petition. (Stipulation to  
28 Petition for Coordination of Add-On Cases.)

actions.” (Code Civ. Proc. § 404.1.)

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<sup>4</sup> While *Walker* argues informal discovery coordination is sufficient, formal coordination is preferred and more effective. (Davey Reply, 4:10-22.)



PG&E's Bankruptcy and the Fire Victim Trust Agreement's terms. This factor weighs in favor of coordination.

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For these reasons, the Court **GRANTS** the petition to coordinate *Walker* with this action.

### **CONCLUSION**

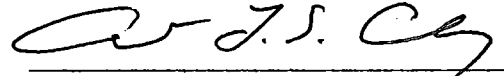
The Court **GRANTS** Davey's petition to coordinate add-on cases. All five add-on cases are stayed in their home jurisdictions pursuant to CRC 3.529(b) and 3.544(d). The five add-on cases now coordinated include:

1. *Abram, et al. v. ACRT, Inc., et al.*, San Francisco Superior Court Case No. CGC-19-579861 (complaint filed on October 8, 2019);
2. *Adams, et al. v. Davey Resource Group, Inc., et al.*, San Francisco Superior Court Case No. CGC-19-579828 (complaint filed on October 7, 2019);
3. *Antone, et al. v. ACRT, Inc., et al.*, Sacramento Superior Court Case No. 34-2019-00266662 (complaint filed on October 8, 2019);
4. *Bennett, et al. v. ACRT, Inc., et al.*, Sacramento Superior Court Case No. 34-2019-00266501 (complaint filed on October 7, 2019); and
5. *Walker, et al. v. Davey Tree Surgery Co.*, Napa County Superior Court Case No. 19CV001194, (complaint filed on August 8, 2019).



1  
2 IT IS SO ORDERED.  
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4 Dated: December 16, 2021  
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ANDREW Y.S. CHENG  
Judge of the Superior Court

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.251)

I, CLARK BANAYAD, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On December 16, 2021, I electronically served the ATTACHED DOCUMENT(S) via File&ServeXpress on the recipients designated on the Transaction Receipt located on the File&ServeXpress website.

Dated: December 16, 2021

T. Michael Yuen, Clerk

By:   
CLARK BANAYAD, Deputy Clerk